



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/567,094

02/03/2006

Salvatore Fabrizio Consoli

023349-00311

4633

4372 7590 09/12/2008
ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

BUI, DUNG H

ART UNIT

PAPER NUMBER

4153

NOTIFICATION DATE

DELIVERY MODE

09/12/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/567,094 | Applicant(s) CONSOLI ET AL. | |
| | Examiner DUNG BUI | Art Unit 4153 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, and 11-14 is/are rejected.
- 7) ☒ Claim(s) 5 and 7-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/3/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1-2, 12, and 14 are objected to because of the following informalities:

- Claim 1, lines 6 and 8, claim 2, line 2, and claim 14, line 2, "(106; 107, 108, 110) should be replaced by "(106, 107, 108, 110)".
- Claim 12, line 3, "pressurised" should be replaced with "pressurized".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-4, 6, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutte (US 3,443,696) in view of Stuble (US 5,114,444).

Regarding claim 1, Schutte discloses the claimed invention for a granulator device for the treatment of powdered products (abstract; the rotating filter to remove finely particulate material suspends in fluid is a granulator device to treat powdered products) comprising at least one closed container (figure 1, ref. 10) forming a chamber (figure 1, ref. 11) for treatment of the products; filter means projecting (figure 1, refs. 45-47) into the treatment chamber, the filter means comprising at least one multi-layer filtering wall (figure 1, ref. 47; filtering surface is filtering wall) through which at least one fluid current can pass; and powder removing means (figure 1, ref. 12) designed to diffuse at least one service fluid directed towards at least the filtering wall; the device (figure 1) being characterised in that the powder removing means comprise at least first diffuser nozzles (figure 6, ref. 92).

Schutte discloses the claimed invention except for and at least second diffuser nozzles to diffuse the service fluid so as to free the filtering wall of the powders trapped in it. Stuble teaches that it is known to have and at least second diffuser nozzles (figure 2, ref. 30) to diffuse the service fluid so as to free the filtering wall (figure 2, ref. 11) of the powders trapped in it.

Schutte and Stuble are analogous because both references are directed to separating device for separating solid-fluid. It would have been obvious to one ordinary skill in the art at the time the invention was made to have and at least second diffuser nozzles to diffuse the service fluid so as to free the filtering wall of the powders trapped in it as taught by Stuble in order to an effective filtering when one of the motor going down.

Also regarding claim 1, Schutte in view of Stuble discloses the claimed for there also being means for supporting and driving (Stuble - column 3, lines 6-39) the filter means which can change the angle (Schutte – rotational of filtering assemble [figure 1, ref. 12] can change the angle) of the filter means from a first operating position, in which at least the first nozzles (Schutte – figure 6, ref. 92) act on the filtering wall (Schutte – figure 1, ref. 47), to a second operating position (Stuble – figure 2, ref. 34) in which the filter means are set at an angle to the first operating position to allow at least the second diffuser nozzles (Stuble – figure 2, ref. 30) to operate on the filtering wall.

Regarding claim 2, Schutte in view of Stuble discloses all of limitations as set forth above. Note that Schutte in view of Stuble discloses the claimed invention for the powder removing means (Schutte - figure 1, ref. 12) also comprise at least one arm (Stuble – figure 2, ref. 30) mobile about and relative to the filtering wall (Stuble – figure 2, ref. 11) and on which the first diffuser nozzles (Schutte – figure 6, ref. 92) are fitted in such a way that they gradually cover the length of the surface of the filtering wall (Stuble – figure 2, ref. 11), as the arm (Stuble – figure 2, ref. 11) moves, to diffuse the service fluid.

Regarding claim 3, Schutte in view of Stuble discloses all of limitations as set forth above. Note that Schutte in view of Stuble discloses the claimed invention for the arm (Stuble – figure 2, ref. 33) is rotatably mounted about an axis of rotation (Stuble – figure 2, ref. 42) integral with the filtering wall (Stuble – figure 2, ref. 11).

Regarding claim 4, Schutte in view of Stuble discloses all of limitations as set forth above. Note that Schutte in view of Stuble discloses the claimed invention for the filtering wall (Schutte – figure 1, ref. 30) belongs to a filter (Stuble – figure 2, ref. 11) which has the shape of a completely hollow solid; the arm (– figure 2, ref. 33) being housed inside the filtering wall (Schutte – figure 1, ref. 30).

Regarding claim 6, Schutte in view of Stuble discloses all of limitations as set forth above. Note that Schutte in view of Stuble discloses the claimed invention for the filter (Stuble – figure 2, ref. 11) has a toroidal shape with an internal hollow (the inside of figure 2, ref. 11, which is not labeled); the arm (Stuble – figure 2, ref. 33) being housed in the hollow (the inside of figure 2, ref. 11, which is not labeled) and having a shape which matches the meridian profile of the toroidal shape.

Regarding claim 11, Schutte in view of Stuble discloses all of limitations as set forth above. Schutte in view of Stuble discloses the claimed invention except for the powder removing means also comprise third diffuser nozzles supported in such a way that they are stationary by a container wall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to the powder removing means also comprise third diffuser nozzles supported in such a way that they are stationary by a container wall, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 12, Schutte in view of Stuble discloses all of limitations as set forth above. Note that Schutte in view of Stuble discloses the claimed invention for the first nozzles (Schutte - figure 6, ref. 92) are supplied with a first service fluid which is a pressurised gaseous fluid (Stuble – abstract, suctioning is pressurized gaseous fluid).

Regarding claim 13, Schutte in view of Stuble discloses all of limitations as set forth above. Note that Schutte in view of Stuble discloses the claimed invention for at least the second nozzles (Stuble – figure 2, ref. 30) are supplied with a service fluid in the wet state (Schutte – column 6, lines 5-15).

Regarding claim 14, Schutte in view of Stuble discloses all of limitations as set forth above. Note that Schutte in view of Stuble discloses the claimed invention for the powder removing means (Schutte - figure 1, ref. 12) also comprise third diffuser nozzles supported in such a way that they are stationary by a container wall and the third nozzles are supplied with a service fluid in the wet state (Schutte – column 6, lines 5-15).

Allowable Subject Matter

4. Claims 5 and 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Claim 5 contains allowable subject matter because prior art does not teach fairly suggested the filtering wall belong to a filter which has the shape of a

Art Unit: 4153

completely hollow solid; the arm being housed inside the filtering wall, and the first nozzles supported by the arm are positioned opposite a generatrix from which the shape of the filtering wall can be considered generated after rotation of the generatrix about the axis of symmetry.

Claim 7 contains allowable subject matter because prior art does not teach fairly suggested the drive means comprise coupling means formed by opposite cranks extending radially from a drive shaft which moves the arm and from a driven shaft integral with the arm; the cranks being able to connect to and disconnect from one another after relative movements by the drive shaft and the driven shaft in the two opposite directions of their shared axis of rotation. Claims 8-10 are depend on claim 7, so they also contain allowable subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG BUI whose telephone number is (571)270-7077. The examiner can normally be reached on Mon. - Thurs., 7:30 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Basia Ridley can be reached on (571)272-1453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tony G Soohoo/
Primary Examiner, Art Unit 1797
AU 4153 TA

DB